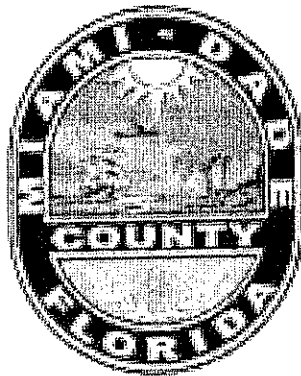


Miami Dade County

Stephen P. Clark Government Center
111 N.W. 1st Street
Miami, Fl. 33128



LEGISLATIVE ANALYSIS

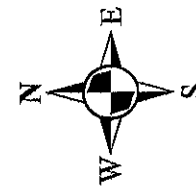
SUPPLEMENTAL INFORMATION

Tuesday, May 11, 2004
9:30 AM
Commission Chambers

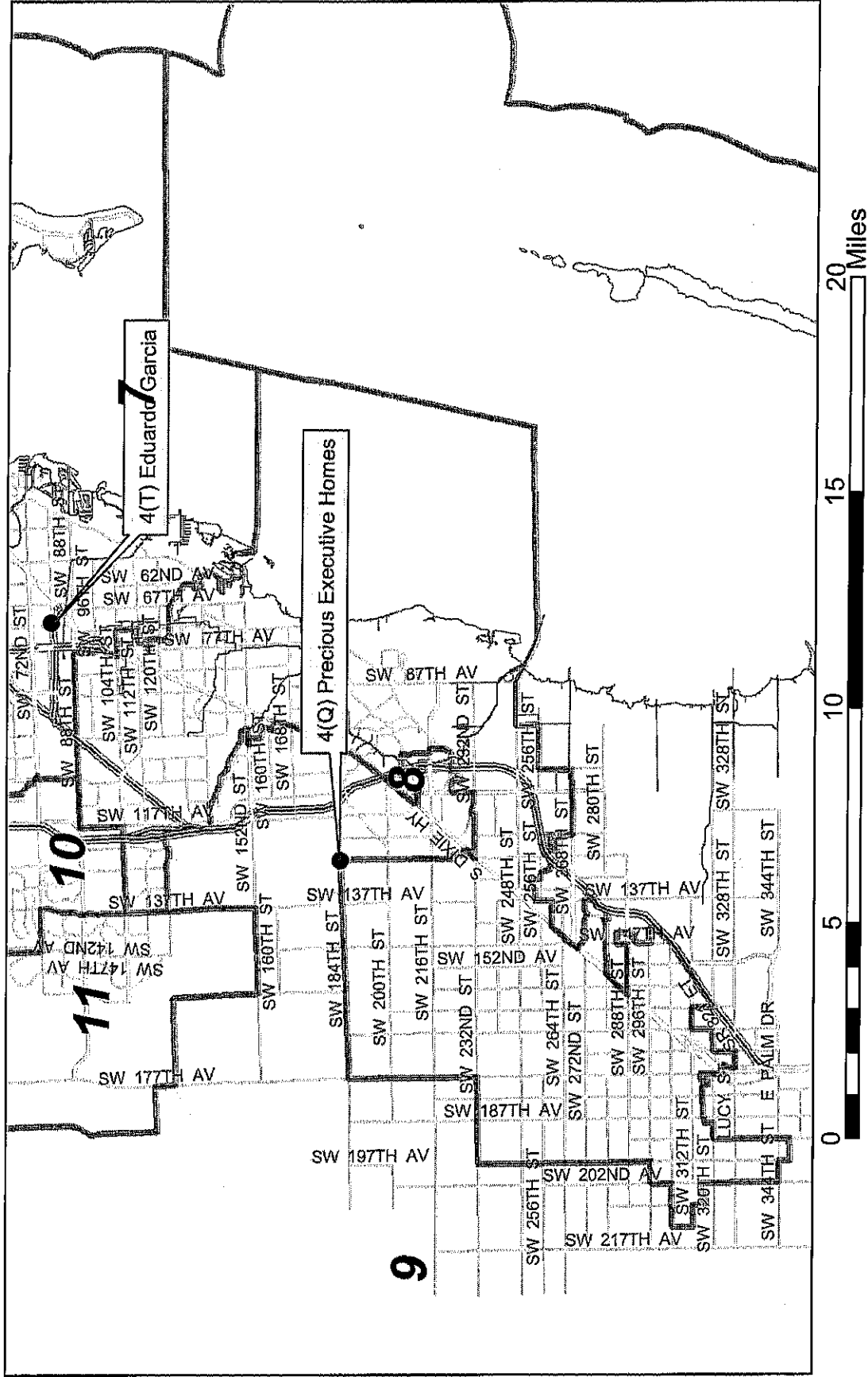
Board of County Commissioners

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Board of County Commissioners
Office of Legislative Analysis



Plats for BCC Approval May 11, 2004 (Miami-Dade County--South of Sunset Drive)



Board of County Commissioners
Office of Legislative Analysis

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

ORDINANCE RELATING TO ZONING; AMENDING SECTION 33-312 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA, TO EMPOWER ETHICS COMMISSION TO MAKE FINDING OF WILLFUL VIOLATION OF CONFLICT OF INTEREST PROVISIONS OF THE CODE IN CONNECTION WITH DECISIONS OF COMMUNITY ZONING APPEALS BOARDS; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Commissioner Dennis C. Moss

I. SUMMARY

This Ordinance serves to amend Section 33-312, as it relates to the Community Zoning Appeals Board (CZAB), and would empower the Ethics Commission to make determinations as to willful violations of conflict of interest provisions of the code in connection with decisions of community zoning appeals boards. Only willful violations, as determined by the Ethics Commission, would be actionable offenses. Staff indicates that CZAB is the only board where the Ethics Commission would be empowered to make such determinations.

II. PRESENT SITUATION

Currently, members of CZAB are required to disclose any "special financial interest" they might have, and must abstain from participation in that matter. Failure to comply with such a rule constitutes malfeasance, which gives the Board of County Commissioners (BCC) the option to later void the affected action.

Decisions of the CZAB may be appealed to the Circuit Court of Appeals, but it must first be appealed to the Board of County Commissioners (BCC) within fourteen (14) days of said decision.

III. POLICY CHANGE AND IMPLICATION

This ordinance would *eliminate* language requiring a member to disclose a "special financial interest" and to abstain from participation in such matter. That requirement would be replaced with language stating that only a willful violation, **as determined by the Ethics Commission**, shall constitute malfeasance. However, staff indicates that State law still requires financial disclosure by Board Members.

A determination of a willful violation would give the BCC the option to void the affected action. To address willful violations when they occur, this ordinance has been updated to clarify how the BCC may void a decision. A simple majority vote by the BCC is required to void a decision.

BCC ITEM 6(D)

May 11, 2004

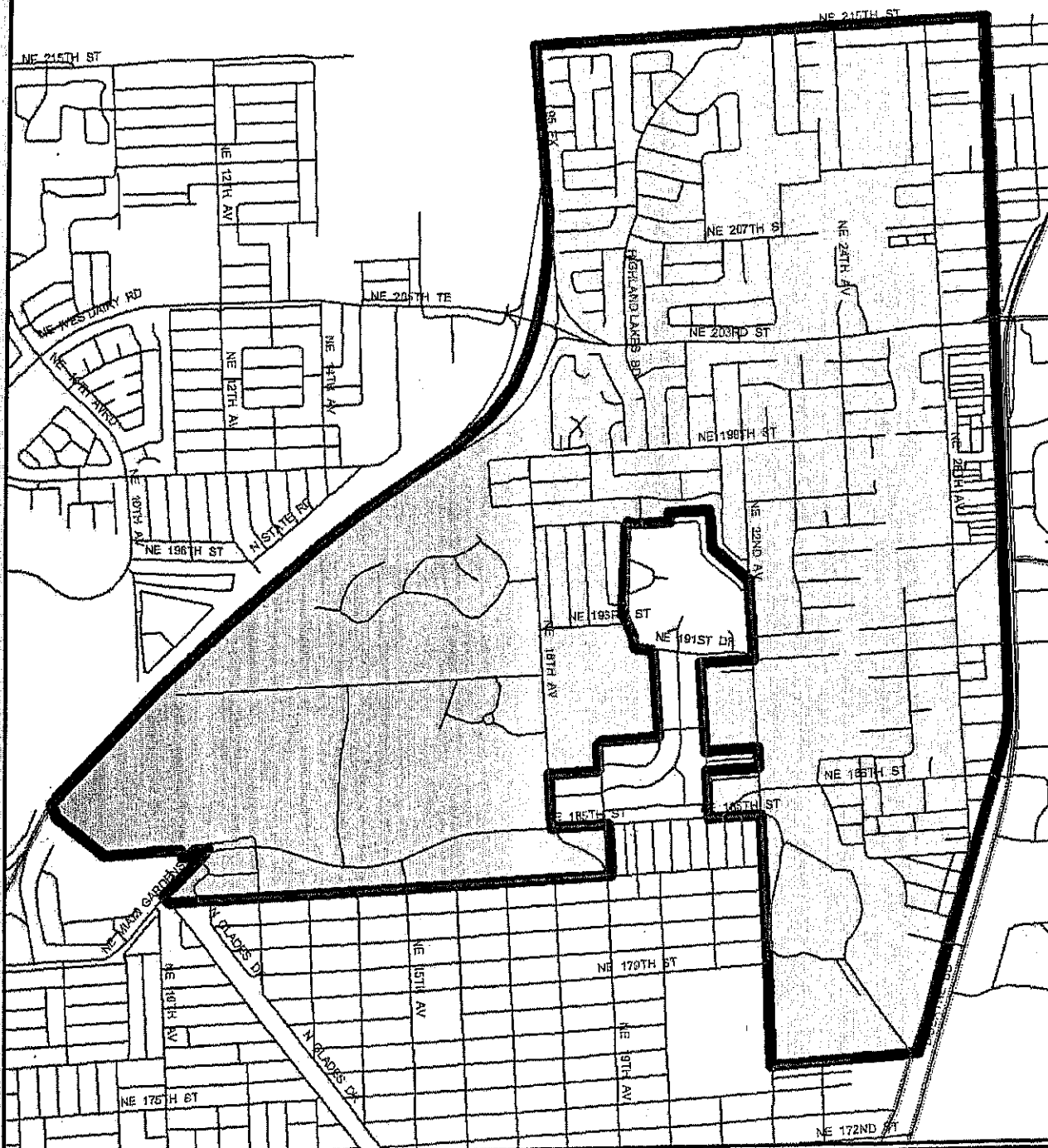
IV. ECONOMIC IMPACT

This **may** result in an increased amount of investigations conducted by the Ethics Commission, in determining the occurrence of any willful violation of this ordinance.

V. COMMENTS AND QUESTIONS

None.

Miami - Dade County
North East MAC




Legend



North East MAC Boundary



 Major Road
 Street



milamidade.gov

This map was prepared by the Miami-Dade County
e-Dev Department
e-Service Division
April 2003



May 11, 2004

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION AUTHORIZING THE REJECTION OF ALL PROPOSALS RECEIVED FOR RFP 360A, WASD AND MDAD FINANCIAL ERP SYSTEM, WAIVING THE REQUIREMENTS OF SECTIONS 2-8.3 AND 2-8.4 OF THE MIAMI-DADE COUNTY CODE PERTAINING TO BID PROTESTS BY A TWO-THIRDS VOTE OF THE BOARD MEMBERS PRESENT, AND AUTHORIZING THE COUNTY MANAGER TO ENTER INTO NEGOTIATIONS WITH THE FIRM(S) THAT THE SELECTION COMMITTEE DETERMINED TO HAVE RECEIVED THE HIGHEST TECHNICAL SCORE UNDER RFP 360A AND TO BRING BACK TO THE BOARD OF COUNTY COMMISSIONERS ANY AGREEMENT REACHED AS A RESULT OF THOSE NEGOTIATIONS FOR APPROVAL TO AWARD; AND TO OBTAIN UPDATED PRICING ON RFP 360B PROJECT QUALITY ASSURANCE CONSULTANT

Procurement Management Department

I. SUMMARY

This is a recommendation to reject all proposals for *RFP360A Water & Sewer Department and Aviation Department Financial Systems (ERP)*, waive the bid protest procedures, and authorize the County Manager to negotiate with firm(s) that received the highest technical scores. Any agreement reached would come to the Board of County Commissioners (BCC) for approval to award. In addition, it is recommended that updated pricing be requested from proposers for *RFP360B: Project Quality Assurance Consultant*.

The above recommendations are based on the following:

RFP360A – Staff has determined that, because ERP systems vendors package and price their products differently, an “apples-to-apples” price comparison would not be possible.
RFP360B – Pricing is now over 1½ years old, as proposals were received in Sept. 2002.

II. PRESENT SITUATION

Both the Water & Sewer Department and Aviation have been seeking a fully-integrated financial system for almost 10 years (since 1992 and 1996, respectively). See Comments for responses from these departments regarding the need to replace their systems.

This RFP was originally advertised in June 2002. RFP360A was to provide Enterprise Resource Planning (ERP) software, integration and implementation services; it included a five percent (5%) BBE goal. 360B was for a project quality assurance consultant throughout the planning and implementation phases of the ERP software; it included a five percent (5%) set-aside for minority firms approved by the Department of Business Development.

In Sept. 2002, 11 and 10 proposals were received for Part A and Part B, respectively. Of the 11 proposals received for Part A, four were found non-responsive due to non-compliance to minority measures and two scored low, based on preliminary scoring in

BCC ITEM 7(O)(1)(C)

May 11, 2004

March 2003 (see attached). Oral presentations were held in May 2003-July 2003 with the five firms currently under consideration (see attached for principals):

- 1) IBM
- 2) eVerge
- 3) Schlumberger Sema
- 4) Unysis
- 5) Maximus

Reference checks and Selection Committee meetings took place from July 2003-Sept. 2003. Since then, research and discussion occurred, particularly regarding the pricing issue, and it was determined to be in the County's best interest to pursue this item's recommendation. Final technical evaluation of proposals has not been completed, pending direction from the BCC. Evaluation of Part B has not been done. Pricing proposals have not been opened.

(See attached for a detailed timeline of events up to the present.)

III. POLICY CHANGE AND IMPLICATION

At issue is the difficulty in comparing the proposals based on price. Since vendors package and price their packages differently, as well as have different supplier relationships, pricing can vary for certain components of the program. This item rejects all bids, waives the bid protest procedures, and allows for direct negotiations with the firm(s) that received the highest technical scores to reach a "fair and reasonable" agreement. To reach a "fair and reasonable" agreement, staff has indicated that it has available benchmark data from other public entities that have purchased and implemented ERP, industry experts that have worked on ERP systems, and the County's own data as it pertains to unit costs for licenses, hourly rates for installation and integration and system maintenance. If an agreement cannot be reached with the top ranked firm, negotiations will occur with the next highest rank firm, until an agreement is reached. As originally issued, the price proposal would have accounted for 15% of the total score.

IV. ECONOMIC IMPACT

While the recommendation is to base the award of the contract on technical quality alone, and price proposals have not been opened, the County intends to negotiate with the top ranked technical firm(s) to reach a "fair and reasonable" agreement.

According to original 2002 resolution to authorize advertisement of the RFP:

FUNDING SOURCE: WASD: Capital Projects Budget (Approx. \$4,000,000)

MDAD: Aviation Revenue Fund (Approx. \$3,000,000)

COST ESTIMATE: \$7,000,000

V. COMMENTS

An expected supplement to this item was not received by printing.

BCC ITEM 7(O)(1)(C)

May 11, 2004

If negotiations are unsuccessful, one of the options would be issuing a new RFP. However, this has already been an over two year process, and there is no guarantee that the pricing issue, or another issue, would not exist with a new RFP, particularly since the ERP is a very comprehensive and technical product (functional requirements alone are 31 pages long).

WASD and Aviation were asked if a negative fiscal impact would occur from the delay in awarding this contract. They responded as follows:

Water & Sewer Department

The Water and Sewer Department currently utilizes the GEAC General Ledger System and related modules/interfaces as our financial accounting system. The Department has been researching/pursuing a new financial accounting system for more than twelve years. The GEAC System currently does not meet the Department's functional requirements and the Department does not have a support and maintenance agreement with GEAC and the cost to obtain an updated support agreement would be in the millions of dollars requiring a bid waiver. It is imperative that the current selection process continue to ensure that the Department can appropriately and productively account for our \$2 billion Capital Improvement Program, \$400 million in revenues, expenses, debt service and transfer payments.

Aviation Department

MDAD has been trying to get an integrated system since 1996. The continuation of the above described-environment is not efficient and it impairs MDAD from improving and upgrading its operation. We have a \$4.8 billion Capital Improvement Program (CIP) that does not have a common system to track and monitor the financial implication of it. We have the in-house Revenue System (RAS) to track and collect our \$450+ million (annual operating revenue) that is outdated and is not upgradeable and it's definitely antiquated compared to today's environment and has resulted in the delay of collecting our revenue. In our CIP, we process about 100 invoices/payments weekly and we disburse about \$2 million a day. Financial information can not be readily available from the system for management's use unless it is manually reconstructed.

The Aviation Department has a great and immediate need for a Fully-Integrated Financial System. Any delay in acquiring the ERP will definitely have a negative impact on our ability to accurately and efficiently monitor our CIP and operating costs. It's imperative to have this ERP in place expeditiously to ensure our commitment to the airlines, customers, traveling passengers, bonds holders and the general public, in achieving our business plan in the following four important and critical areas: Safety & Security, Customer Service, Economic Vitality and Environmental Responsibility.

May 11, 2004

Principals for top technical ranked firms for RFP360

Schlumber Sema (aka ATOS Origin IT Services, Inc.)

Pau Stewart (P)
Mark Cyran (VP)
Michael Zito (VP)
Colin Flannery (S)
Randolph Houchins (AS)

Unisys

Lawrence Weinback (CCEO)
Susan Keene (AS)
Nancy Miller (AT)
Nancy Straus Sundheim (SVPS)
George Gazerwitz (EVP)
Janet Haugen (SVPC)

Maximus, Inc.

August Cannizzo (P)

e-Verge Group

Unable to locate information about the company on the Florida Division of Corporations website.

IBM

Samuel Palmisano (CEO)
Randall Macdonald (SVP)
Edward Lineen (SVP)
Daniel Odonnell (S)
Nicholas Donofrio (SVP)
Jesse Greene, Jr. (T)

RFP NO. 360
WASD & MDAD FINANCIAL SYSTEMS (ERP)
EVALUATION OF PROPOSALS

PART "A"

COMPOSITE

Selection Criteria	Proposers	AMX International	Ovation Group	CAC	Schlumberger SEMA	DELOITTE & TOUCHE	UNISYS	MAXIMUS	MUNIS	e-VERGE Group	PRICewater HOUSE COOPER	TIER TECHNOLOGIES	IBM
INTEGRATOR SERVICES: Implementation, Approach and Project Management 280 Points		0	126	0	158	0	191	190	0	161	0	114	180
		0	192	0	201	0	203	201	0	194	0	66	176
		0	86	0	89	0	86	80	0	77	0	31	71
SOFTWARE COMPANY: Vision and Viability 120 Points		0	404	0	448	0	480	471	0	432	0	211	427
		0	0	0	0	0	0	0	0	0	0	0	0
		0	404	0	448	0	480	471	0	432	0	211	427
SUB-TOTAL POINTS		0	404	0	448	0	480	471	0	432	0	211	427
Price Score 120 Points		0	0	0	0	0	0	0	0	0	0	0	0
TOTAL PRICE SCORE		0	404	0	448	0	480	471	0	432	0	211	427

3 1 2 4 5

Chronology for RFP 360

3/11/02	Working Group Meeting
3/19/02	Working Group Meeting
4/17/02	Working Group Meeting
5/16/02	Working Group Meeting
6/4/02	BCC Approves RFP 360
6/14/02	RFP Released
6/26/02	Pre-Proposal Conference
7/26/02	Addendum No. 1 Issued
7/31/02	Addendum No. 2 Issued
8/7/02	Addendum No. 3 Issued
8/13/02	Addendum No. 4 Issued
8/19/02	Addendum No. 5 Issued
9/4/02	Addendum No. 6 Issued
9/5/02	Addendum No. 7 Issued
9/18/02	Proposals Received
9/24/02	Kickoff Meeting
10/16/02	Evaluation/Selection Committee Meeting
10/10/02 thru 1/29/03	Resolving Compliance Issues
10/24/02	Evaluation/Selection Committee Meeting
11/12/02	Evaluation/Selection Committee Meeting
11/20/02	Technical Committee Meeting
12/02/02	Technical Committee Meeting

12/04/02	Evaluation/Selection Committee Meeting
2/25/03	Evaluation/Selection Committee Meeting
3/17/03*	Evaluation Selection Committee Meeting
3/24/03	Evaluation Selection Committee Meeting – Preliminary Scoring
3/28/03	Questions to Oral Presentation Candidates Finalized
3/31/03	Tech Meeting held and Questions sent to Proposers (“List of 100” Questions)
4/7/03	Draft Script for Orals Ready
4/11/03	All Comments from all Committees Members due to
4/14/03	Final Script Ready
4/18/03	Send Script to Proposers
4/28/03	Responses to Questions due to County from Proposers
5/6-/8	Oral Presentation - IBM
5/21-23	Oral Presentation - eVerge
5/27-29/03	Oral Presentation - Schlumberger Sema
6/11-6/13	Oral Presentation – Unysis
6/17-19/03	Oral Presentation - Maximus
6/26/03	Evaluation Selection Committee Meeting
7/2/03	Tech Meeting to finalize Orals Report
7/14-15/03	Evaluation Selection Committee Meetings to go discuss site visits/conference calls and reference checks

7/18/03	Reference Surveys Prepared and sent to Reference Checks
7/22/03	Notice to Proposers about getting Correct Reference Contacts – for those that came back unanswered or returned
7/25/03	Reference information due from Proposers
7/28/03	Meeting to discuss reference checks
7/30/03	Gartner Call for Site Visits Feasibility
8/7- 9/17/03	Conference Calls to “similar” municipalities (days include 8/7; 8/8; 8/11; 8/12; 8/13; 8/14; 8/15; 8/19; 8/20; 8/26; 8/27; 9/5; 9/11; 9/12; and 9/17)
8/27/03	Evaluation Selection Committee Meeting
9/18- 9/29/03	Reference Checks on Proposers Team Members (days include 9/16; 9/18; 9/19; 9/23; 9/24; 9/25; 9/29)
9/22/03	Evaluation Selection Committee Meeting – Pricing Issue Discussed and action was to send Addendum No. 8 to Proposers (per CAO instructions).
10/2/03	Draft “Addendum No. 8” (Pricing Issues) forwarded to Committee and Legal for review.
11/3/03	Meeting with COA concerning pricing issue further discussion on Addendum 8 and pricing issues.
12/3/03	Evaluation Selection Committee Meeting w/CAO to discuss pricing issue. Committee Chair to prepare Evaluation Selection Committee memo to CMO to request issuance of Addendum No. 8.
12/17/03	Draft Evaluation Selection Committee Memo to CMO sent to CAO/Committees for review
1/8/04	Final memo from Committee to CMO sent from DPM

1/8/04	CIO advises DPM that it wishes to do additional research before issuing "Addendum No. 8" and additional information is requested from third parties.
2/2/04	Memo from CAO on four alternative processes
3/3/04	Meeting 29 th Floor with Directors, CMO, etc. Recommendation made at this meeting to request CMO approval of waiving competitive and protest processes and negotiating with highest ranked technical proposer(s).
3/10/04	Certain Tech members met to provide CIO with technical data.
3/24/04	Documents forwarded to CMO for BCC placement
4/22/04	On Agenda for Budget and Finance Committee

Chronology for RFP 360

3/11/02 – 05/16	Development of Technical Specifications and RFP document
6/4/02	BCC Approves RFP 360
6/14/02	RFP Issued
6/26/02	Pre-Proposal Conference
7/26/02 – 09/17/02	Addenda No. 1- 7 Issued (these addenda addressed various technical inquiries from potential proposers and extended time for them to prepare proposals)
9/18/02	Proposals Received
9/24/02 – 5/6/04	<p>Evaluation/Selection Committee Meetings.</p> <p>Several meetings were held to review proposals, resolve DBD Compliance issues, and formulate questions for technical committee review. Additionally, the technical committee conducted extensive analysis of: a) County infrastructure requirements needed to support solutions proposed, b) reviewed each department's computing platform and analyzed the system requirements to run proposed solutions, c) reviewed County operating systems, hardware assets and systems [mainframe, server(s), etc.] being used and analyzed the approach that would be in the County's best interest; and, d) analyzed the implementation approaches proposed; including installation methodologies and sequencing, training methodologies, program management, etc. Finally, the Committee completed its preliminary scoring and developed list of 100 questions to Oral Presentation candidates.</p>
05/06/03 – 07/25/03	<p>Oral Presentations</p> <p>Evaluation/Selection Committee held Oral Presentations with the five firms remaining in the zone of consideration (IBM; eVerge, Schlumberger Sema, Unysis and Maximus). Additionally, the Committee finalized the Orals Report, discussed options of making site visits and/or conference calls</p>

and developed a strategy for reference checks. Surveys were prepared and sent to the appropriate references.

7/28/03 – 09/29/03

Evaluation /Selection Committee Meetings

Committee met to hold conference calls with other municipalities (approx 20), to discuss the references on the Proposers and its Lead Team Members, and to consult with Gartner (an independent industry research firm) regarding site visits and other issues.

9/29/03 – 12/17/03

Evaluation Selection Committee Meetings

Committee met to discuss issue of making apples-to-apples price comparison. It was determined that the County may not use the resulting contract to purchase database licenses as indicated in the RFP. At the time the RFP was issued, the county did not have a contract for these licenses, and subsequently one was established. During these meetings and in consultation with the County Attorney Office, the committee examined the feasibility of issuing an addendum to amend the price schedule to more accurately reflect the County's requirements.

1/8/04 – 02/02/04

To address price sheet issue, staff conducted additional research prior to issuing "Addendum No. 8" and additional information was requested from third parties

3/3/04 – 03/10/04

Based on the additional market research, and information provided by in-house technical advisors, it was determined by all stakeholders to be in the County's best interest to reject all proposals and waive the competitive and protest procedures. This approach would allow the County to negotiate with the highest ranked technical proposer(s), as determined by the Evaluation/Selection Committee, when the evaluation is completed.

4/22/04

On Agenda for Budget and Finance Committee.

LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

RESOLUTION DECLARING THE ACQUISITION OF LAND REQUIRED FOR THE CONSTRUCTION OF A NEW MULTI-MODAL PASSENGER ACTIVITY CENTER, LOCATED BETWEEN NW 62 STREET (MARTIN LUTHER KING BLVD.) AND NW 60 STREET AND BETWEEN NW 7 AVENUE AND NW 6 COURT, IN THE CITY OF MIAMI, TO BE A PUBLIC NECESSITY; AND AUTHORIZING THE COUNTY MANAGER AND THE COUNTY ATTORNEY TO EMPLOY APPRAISERS, OBTAIN ENVIRONMENTAL AUDITS, AND ACQUIRE THE RIGHT-OF-WAY AT THE APPRAISED VALUE AND TERMS, OR BY EMINENT DOMAIN PROCEEDINGS, INCLUDING A DECLARATION OF TAKING AS NECESSARY

Public Works Department

I. SUMMARY

This resolution will approve the **Acquisition of Land** required for the construction of a Modal Passenger Activity Center, located in the City of Miami.

Authorizes the County Manager to employ appraisers, obtain environmental audits, and acquire the land valued by the appraisals.

II. PRESENT SITUATION

Currently the Miami-Dade Transit Department has shown interest in acquiring land located at Northwest 62 Street and NW 60 Street, and between NW 7 Avenue and NW 6 Court, in the City of Miami. The Modal Passenger Activity Center will serve passengers in parts of Miami-Dade County. Attached is the legal description of the parcels of land Miami-Dade Transit Department is required to purchase in "Exhibit B."

In order for the process for the development of this facility to proceed, the Miami-Dade Transit Department needs to obtain authorization to employ an appraiser, obtain an environmental audit, acquire the land at values established by the appraisals, and if necessary, be prepared to proceed to condemn a resident, a commercial, and a new residence under construction.

The Modal Passenger Activity Center improvements will revitalize the business district and provide mobility.

Staff from the Miami-Dade Transit Department will meet with the residents in the impacted areas on Wednesday, May 12, 2004. The Miami-Dade Transit Department will proceed to explain to the residents the acquisition and eminent domain process.

BCC ITEM 7 (P) (1) (K)
May 11, 2004

III. POLICY CHANGE AND IMPLICATIONS

Residents in and around the project location will have the opportunity to fully understand the advantages and disadvantage the Modal Passenger Activity Center.

IV. ECONOMIC IMPACT

At this time, staff indicated there is no economic impact study for the residents in the area. *The acquisition cost is estimated at 4.5 million dollars.*

The Modal Passenger Activity Center is being funded by a Federal Transit funds.

V. COMMENTS AND QUESTIONS

1. How was the need for the land determined?
2. What were the findings of the study conducted?
3. What was the ridership demand for the subject area?
4. What is the number of parking spaces for the center?

In the past months, the Miami-Dade Transit Department had several opportunities to utilize funds to secure appraisals throughout the County:

- (1) On September 9th 2003, the Board of County Commissioners approved item 7 (S) (1) (E) three \$75,000 blanket authorizations for Miami-Dade Transit, enabling staff to secure fifty-nine appraisals. According to the Manager's background, including appraisal values in hand greatly assists staff in decision making. It establishes the basis for negotiation of lease agreements, establishes minimum acceptable price or rent, provides information regarding highest and best use for a property and its potential markets and provides an evaluation of market viability for potential uses.*
- (2) On May 11, 2004, during the Board of County Commissioners (BCC) meeting, 7 (J) (1) (A) will be presented before the BCC for approval to utilize a blanket contract for up to \$75,000 for property appraisal services.*

Are county departments using "approved county appraisers" for each assignment?

Why is this before the Board, when only seven months have passed?

Can the Miami-Dade Transit Department itemize the usage of the \$75,000 from 7 (S) (1) (E) passed on September 9, 2003?